

Jan 14, 2019

SEAN F. McAVOY, CLERK

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

UNITED STATES OF AMERICA,

Plaintiff,

-vs-

GERALDINE M. NEWELL,

Defendant.

No. 2:18-CR-0221-WFN-1

PROTECTIVE ORDER

Pending before the Court is the Government's Motion for a Protective Order Regulating Disclosure of Discovery and Sensitive Information. ECF No. 13. The Government represents that the Defendant has no objection. The Court has reviewed the file and Motions and is fully informed and finds good cause for a protective order. Accordingly,

IT IS ORDERED that:

1. The Government's Motion for a Protective Order Regulating Disclosure of Discovery and Sensitive Information, filed January 10, 2019, **ECF No. 13**, is **GRANTED**.

2. The Government's Motion to Expedite, filed January 10, 2019, **ECF No. 14**, is **GRANTED**. The underlying Motion was considered on an expedited basis.

3. The United States is authorized to disclose the discovery and personal information materials (hereinafter "Discovery") in its possession pursuant to the discovery obligations imposed by this Court.

4. Government personnel and counsel for Defendants shall not provide, or make available, the Discovery to any person except as specified in this Order or by approval from this Court. Therefore, defense counsel and the Government shall restrict access to the Discovery, and shall only disclose the Discovery to their client, office staff, investigators,

1 independent paralegals, necessary third-party vendors, consultants, and/or anticipated fact
2 or expert witnesses to the extent that defense counsel believes is necessary to assist in the
3 defense of their client in this matter or that the Government believes is necessary in the
4 investigation and prosecution of this matter.

5 5. Third parties contracted by the United States or defense counsel to provide
6 expert analysis or testimony may possess and inspect the Discovery, but only as necessary
7 to perform their case-related duties or responsibilities in this matter. At all times, third
8 parties shall be subject to the terms of this Order.

9 6. Discovery in this matter will be made available to defense counsel via access to
10 a case file on USA File Exchange. If necessary to review discovery with his client, defense
11 counsel may download the discovery and duplicate only once. Discovery materials may
12 not be left in the possession of the Defendant. In order to provide discovery to a necessary
13 third-party vendor, consultant, and/or anticipated fact or expert witness, defense counsel
14 may duplicate the discovery only once. No other copies shall be made, by defense counsel
15 or the Defendant, without prior approval from this Court.

16 7. To the extent that defense counsel makes any portion of the Discovery available
17 in paper format to anyone, including his client, outside of counsel's office, defense counsel
18 shall ensure that any and all sensitive and confidential information is redacted or removed.

19 8. All counsel of record in this matter, including counsel for the United States,
20 shall ensure that any party, including the Defendants, that obtains access to the Discovery
21 is provided a copy of this Order. No other party that obtains access to or possession of the
22 Discovery shall retain such access or possession unless authorized by this Order, nor
23 further disseminate the Discovery except as authorized by this Order. Any other party that
24 obtains access to, or possession of, the discovery once the other party no longer requires
25 access to or possession of the discovery shall promptly destroy or return the discovery
26 once access to discovery is no longer necessary. For purposes of this Order, "other party"
27 is any person other than counsel for the United States, counsel for Defendant, or the
28 Defendant.

9. All counsel of record, including counsel for the United States, shall keep a list to identify each person to whom the Discovery is disclosed and who was advised of the requirements of this Order. Neither counsel for the Defendant, nor the counsel for the United States, shall be required to disclose this list of persons unless so ordered to do so by the Court.

10. Upon entry of a final order of the Court in this matter and conclusion of any direct appeals, government personnel and counsel for Defendant shall retrieve and destroy all copies of the Discovery, except that counsel and government personnel may maintain copies in their closed files following their customary procedures.

11. Government personnel and counsel for Defendant shall promptly report to the Court any known violations of this Order.

The District Court Executive is directed to file this Order and provide copies to counsel.

DATED this 14th of January, 2019.

s/ Wm. Fremming Nielsen
WM. FREMMING NIELSEN
SENIOR UNITED STATES DISTRICT JUDGE

01-10-19